

## Remarks

Claims 1-11 were pending.

Claims 1, 3-5 and 11 are amended.

Claim 2 is cancelled.

Claims 6-10 are original.

The application now contains claims 1 and 3-11.

Claim 1 is amended for clarity by correcting the spelling of "yielding", inserting the phrase "to obtain a water-soluble ester" at the end of the description of step b and by inserting the phrases "water-soluble" and "obtained in step c" on either side of the word ester in step d. Support is inherent in the claim.

Claim 1 is further amended to insert the limitations of claim 2, "wherein the biologically active hydroxyl group containing substance is a drug, plant protective agent, insecticide, antimicrobial, flavouring agent or cosmetic" into line 2 of the claim. Support is found in the original claims.

Claim 3 is therefore amended to be dependent on claim 1: claim 4 is amended to delete the word "or" and insert in its stead "and" according to proper Markush practice: and claim 5 is amended to be dependent on claim 4.

No new matter is added.

## Objections

Claims 1, 4 and 5 are objected to for the misspelling of the word "yielding" in claim 1, improper Markush language in claim 4 and the improper dependency of claim 5 on itself. Applicants respectfully submit that the objections are addressed and are overcome by the above amendments and kindly ask that the objections be withdrawn.

## Rejections

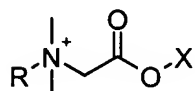
Claims 1-10 are rejected under 35 USC 112 second paragraph for the lack of antecedence for the limitation "the thus obtained water-soluble ester" in step c of claim 1. Applicants respectfully submit that the rejections are addressed and are overcome by the above amendments and kindly ask that the rejections under 35 USC 112 second paragraph be withdrawn.

Claims 1-6 and 9-11 are rejected under 35 USC 102(b) as being anticipated by Struillou, EP 0752465 which discloses a method for the controlled release of alcohols, including biologically active alcohols, from betaine esters.

Applicants respectfully traverse the rejections.

The instant invention reacts a halo ester containing the biologically active substance with either a diamine containing at least one tertiary amino group or a heterocyclic aromatic amine.

Regarding the heterocyclic aromatic amine, Applicants point, for example, to page 2 of the instant application to show that when step b reacts a halo ester with a heterocyclic aromatic amine, it is the aromatic amino nitrogen that forms the bond to the ester. Thus, when read in view of the instant Specification, the step c of claim 1 involving reaction of a halo ester with a heterocyclic aromatic amine to produce a water soluble ester involves a reaction at the aromatic amino nitrogen. Applicants respectfully point out that there is no mention of such a product in Struillou. Page 6, lines 20-33 of Struillou disclose a compound of general formula 2 of the structure



wherein X is an odiferous alcohol and R may be pyridyl. Even when R is pyridyl, no bond is formed between the aromatic amino nitrogen and the ester in this structure.

Applicants also point out that no bond is formed between an aromatic amino nitrogen and the ester in any of the Examples of Struillou. Applicants note the table on page 42 of Struillou, wherein pyridine and dimethylamino pyridine (DMAP) are used **only** to assist in reactions for forming the **halo**-ester. This is the only use of aromatic amines that Struillou discloses and there is no report of an amino ester being produced in these reactions. One might argue that when using 1 equivalent of pyridine all of the amine base would be consumed by neutralizing HCl produced in the esterification reaction. However, when using 1 Equivalent DMAP, an excess of amine is present as there are two amino groups on each DMAP molecule, yet no amino ester, let alone an aromatic amino ester is reported.

Applicants therefore respectfully submit that Struillou does not disclose or contemplate the product wherein a halo ester is reacted with a heterocyclic aromatic amine as in the instant invention. Applicants therefore respectfully submit that the 102(b) rejections over Struillou as they relate to the aromatic compounds produced in step b of claim 1, and to claims 9 and 10, are overcome.

Regarding the **diamine** containing at least one tertiary amino group of step b in claim 1 : Applicants respectfully note that there are no Examples in Struillou wherein a **diamine** is reacted with a halo ester to produce a betaine ester and a diamino ester of any kind can only be found in the most generic structures. Applicants respectfully maintain that the steps of the instant invention are not fairly suggested by Struillou, specifically b) reacting the ester from step a with either a diamine containing at least one tertiary amino group to obtain a water-soluble ester, c) applying the thus obtained water-soluble ester to the substrate and d) finally hydrolysing the water-soluble ester obtained in step c on the substrate.

Applicants therefore respectfully submit that Struillou does not disclose a process wherein a halo ester is reacted with a diamine or a heterocyclic aromatic amine as in the instant invention. Applicants therefore respectfully submit that the 102(b) rejections over Struillou of claims 1-6 and 9-11 are addressed and are overcome and kindly ask that the rejections be withdrawn.

Claims 1 4-7 and 11 are rejected under 35 USC 102(b) as being anticipated by Koller et al, US 4,083,847 which a halo ester containing a dye with an amine.

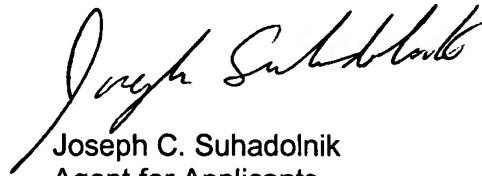
Applicants respectfully traverse the rejections.

Claim 1 and 11 are instantly amended to include the limitations of original claim 2 which further restricts the types of "biologically active" substances contained in the ester. Applicants respectfully maintain that a dye does not constitute such a biologically active substance and that Koller is outside the instant claims.

Applicants therefore respectfully submit that the 102(b) rejections over Koller of claims 1, 4-7 and 11 are addressed and are overcome and kindly ask that the rejections be withdrawn.

Applicants respectfully submit all objections and rejections are addressed and are overcome and kindly ask that they be withdrawn and that claims 1 and 3-11 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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